

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
ex rel. PHILIP BERGERON,

Plaintiffs,

v.

INSOURCE DIAGNOSTICS
CORPORATION and SYNTAX, LLC,

Defendants.

No. 16-CV-8368 (PKC)

**FILED IN CAMERA AND UNDER
SEAL**

JURY TRIAL DEMANDED

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Relator Philip Bergeron hereby dismisses this action WITHOUT PREJUDICE. As required for voluntary dismissal under Rule 41(a)(1)(A)(i), Defendants have neither filed an answer, nor moved for summary judgment. The False Claims Act requires that the government give written consent prior to the dismissal of an action. 31 U.S.C. § 3730(b)(1). The United States has advised Relator's counsel that they will file a separate notice indicating their consent to dismissal.

Dated: July 31, 2018

Respectfully submitted,
LEVY KONIGSBERG LLP

By: 

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Attorneys for the Relator

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*The voluntary dismissal
without prejudice is
APPROVED. The action is
DISMISSED. All conferences
are VACATED.
The Clerk is directed
to close the case.
SO ORDERED
10-10-18*

CERTIFICATE OF SERVICE

I hereby certify that, concurrent to filing, a copy of the foregoing Notice of Dismissal was sent via U.S. Mail and electronic mail to:

Jacob Lillywhite, Esq.
Assistant United States Attorney
Southern District of New York
86 Chambers Street, Third Floor
New York, New York 10007

Laurie Oberembt, Esq.
Fraud Section
Commercial Litigation Branch
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Brendan Little